IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

ROBERT PARDEE,   )
)
                Petitioner,   )   8:14CV185
)
        v.   )
)
MICHAEL KINNEY, Director,   )   MEMORANDUM AND ORDER
Neb. Dept. C.S.,   )
)
                Respondent.   )
_____)

        This matter is before the Court on petitioner's motion

for appointment of counsel (Filing No. 22). "There is neither a

constitutional nor statutory right to counsel in habeas

proceedings; instead, [appointment] is committed to the

discretion of the trial court." *McCall v. Benson*, 114 F.3d 754,

756 (8th Cir. 1997). As a general rule, counsel will not be

appointed unless the case is unusually complex or the

petitioner's ability to investigate and articulate the claims is

unusually impaired or an evidentiary hearing is required. *See,*

e.g., Morris v. Dormire, 217 F.3d 556, 558-59 (8th Cir. 2000),

cert. denied, 531 U.S. 984 (2000); *Hoggard v. Purkett*, 29 F.3d

469, 471 (8th Cir. 1994). *See also* Rule 8(c) of the *Rules*

Governing Section 2254 Cases in the United States District Courts

(requiring appointment of counsel if an evidentiary hearing is

warranted). The Court has carefully reviewed the record and

finds that there is no need for the appointment of counsel at this time. Accordingly,

IT IS ORDERED that petitioner's motion for appointment of counsel (Filing No. 22) is denied without prejudice to reassertion.

DATED this 2nd day of December, 2014.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge
United States District Court

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